

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AH'NICE NEKOL-ANDREA BATTLE,

Plaintiff,

Case No: 24-13475

v.

Honorable Nancy G. Edmunds
Mag. Judge Kimberly G. Altman

ALEX MCNULTY,

Defendant.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S MAY 22,
2025 REPORT AND RECOMMENDATION [15]**

This is a civil rights case brought under 42 U.S.C. § 1983 stemming from a traffic stop and arrest of Plaintiff Ah'nice Battle in Canton Township, Michigan. (ECF No. 1.) The matter was initially assigned to Chief District Judge Sean F. Cox, who issued an order dismissing all of Plaintiff's claims except for her Fourth Amendment claims of unlawful arrest and detainment against Defendant Alex McNulty. (ECF No. 7.) Thereafter, on January 28, 2025, Chief Judge Cox ordered Plaintiff to provide service documents to the Clerk's Office within 14 days. (ECF No. 10.) This case was then transferred to the undersigned, and all pre-trial matters were referred to Magistrate Judge Kimberly G. Altman. (ECF No. 13.) Plaintiff has not complied with the January 28 order. Accordingly, on April 22, 2025, Magistrate Judge Altman ordered Plaintiff to show cause on or before May 16, 2025 as to why this case should not be dismissed for failure to prosecute. (ECF No. 14.) That order also warned "that a failure to file a timely response may result in a recommendation that [Plaintiff's] case be dismissed for lack of prosecution under Fed. R. Civ. P. 41(b) and Local Rule 41.2." *Id.* Plaintiff has not

complied with the order to effectuate service nor responded to the order to show cause. Before the Court is the Magistrate Judge's report and recommendation to dismiss the case for failure to prosecute under Federal Rule of Civil Procedure 41(b) and Local Rule 41.2. (ECF No. 15.)

No party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *See Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at *2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nevertheless, the Court has reviewed the matter and agrees with the Magistrate Judge. Thus, the Court ACCEPTS AND ADOPTS the Magistrate Judge's report and recommendation (ECF No. 15). Accordingly, Plaintiff's remaining claim is DISMISSED with prejudice.

SO ORDERED.

s/ Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 1, 2025

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 1, 2025, by electronic and/or ordinary mail.

s/ Marlena Williams
Case Manager